

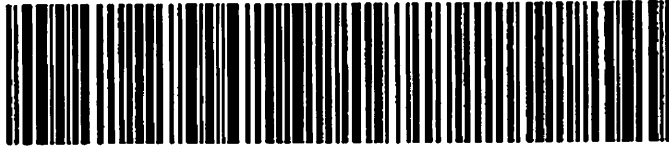
EXHIBIT A

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

USPS CERTIFIED MAIL[®]



9214 8901 1251 3410 0002 4402 03

SINCLAIR MEDIA III, INC.
C. T. Corporation System
1627 QUARRIER ST.
CHARLESTON, WV 25311-2124

Control Number: 230933

Defendant: SINCLAIR MEDIA III, INC.
1627 QUARRIER ST.
CHARLESTON, WV 25311-2124 US

Agent: C. T. Corporation System

County: Cabell

Civil Action: 18-C-563

Certified Number: 92148901125134100002440203

Service Date: 12/4/2018

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner
Secretary of State

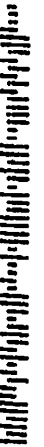
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☒ Please note that the documents attached are of poor quality and the enclosed scan is of the best quality attainable. If you require improved quality documents, please contact the serving party.

☐ Please note that the documents appear to possibly be missing pages, but documents were scanned as received.

SUMMONS

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

JIM BARACH,

Plaintiff,

v.

Civil Action no. 18-C-563

JUDGE

/s/ GREGORY L. HOWARD, JR.

SINCLAIR MEDIA III, INC., d/b/a
WCHS-TV and WVAH-TV,

Defendant.

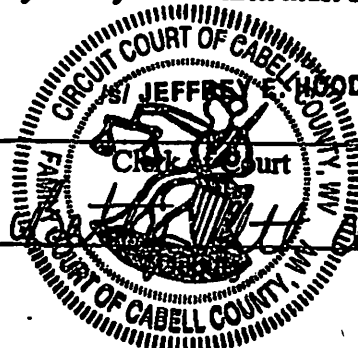
TO: SINCLAIR MEDIA III, INC., dba
WCHS-TV and WVAH-TV
C/O CT Corporation System
1627 Quarrier Street
Charleston, West Virginia 25311

RECEIVED FOR
CLERK OF COURT
2018 DEC -4 P 12:16
CIRCUIT COURT OF STATE
WEST VIRGINIA

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon Richard W. Walters, plaintiff's attorney, whose address is P. O. BOX 3973, CHARLESTON, WEST VIRGINIA 25339, an answer including any related counterclaim you may have to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above style civil action.

Dated: NOV 01 2018

By



Deputy

FILED

CASE INFORMATION STATEMENT

CIVIL CASES

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA:

701A-027 31 JAN 03 34
COPY
J.E. HOOD
CIRCUIT CLERK
CABELL CO. WV

I. CASE STYLE:

JIM BARACH,

Plaintiff,

v.

Civil Action no. 18-C-563
JUDGE _____

**SINCLAIR MEDIA III, INC., d/b/a
WCHS-TV and WVAH-TV,**

/s/ GREGORY L. HOWARD, JP

Defendant.

Days to Answer:

Type of Service:

**Sinclair Media III, Inc., d/b/a
WCHS-TV and WVAH-TV
c/o CT Corporation System
1627 Quarrier Street
Charleston, WV 25311**

30

SOS

II. TYPE OF CASE:

TORTS

OTHER

CIVIL

_____ **Asbestos**

_____ **Adoption**

_____ **Appeal From
Magistrate Court**

_____ **Professional
Malpractice**

_____ **Contract**

_____ **Petition For Modification
Of Magistrate Sentence**

_____ **Personal
Injury**

_____ **Real Property**

_____ **Miscellaneous
Civil**

_____ **Wrongful
Death**

_____ **Mental Health**

_____ **Other**

Product Appeal of
Liability Administrative Agency

 X Other Tort

III. **JURY DEMANDED:** X YES NO

CASE WILL BE READY FOR TRIAL BY: August / 2019

IV. **DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE
REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR
AGE?** Yes X No

IF YES, PLEASE SPECIFY:

 Wheelchair accessible hearing room and other facilities.

 Interpreter or other auxiliary aid for the hearing
impaired.

 Reader or other auxiliary aid for the visually
impaired.

 Spokesperson or other auxiliary aid for the speech
impaired.

 Other: _____

Attorney: Richard W. Walters, Esq. (WVSB #6809) Representing:
Firm: Shaffer & Shaffer, PLLC X Plaintiff Defendant
Address: 2116 Kanawha Blvd.
PO Box 3973
Charleston, WV 25339

Telephone No: (304) 344-8716
Fax No: (304) 344-1481

Dated: 10/30/18


Richard W. Walters

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

JIM BARACH,

Plaintiff,

v.

**SINCLAIR MEDIA III, INC., d/b/a
WCHS-TV and WVAH-TV,**

Defendant.

Civil Action no. 18C-563

JUDGE

~~/s/ GREGORY L. HOWARD, JR.~~

FILED
OCT 32 AM 10
CIRCUIT CLERK
CABELL CO. WV

COMPLAINT

Comes now the Plaintiff, Jim Barach, by counsel, Richard W. Walters and Carl W. Shaffer, and the law firm of Shaffer & Shaffer, PLLC, and for his Complaint against the Defendant, Sinclair Media III, Inc., states and alleges as follows:

PARTIES

1. Jim Barach ("Plaintiff") was, at all times relevant herein, a citizen and resident of Kanawha County, West Virginia.
2. Sinclair Media III, Inc. ("Defendant"), is a Maryland corporation authorized to conduct business in the Cabell County, West Virginia, area and was actually conducting business in Cabell County at all times relevant herein.

JURISDICTION & VENUE

3. This Court has jurisdiction over this action because Defendant conducts business in Cabell County, West Virginia.
4. Venue is proper in this Court as the Defendant conducts business in Cabell County, West Virginia.

FACTUAL BACKGROUND

5. Defendant operates two television stations, WCHS-TV and WVAH-TV, licensed to do business in Cabell County, West Virginia.
6. Defendant's primary business function is the operation of local news stations.
7. WCHS-TV and WVAH-TV's, primary business function is the operation of a local news station in the southern West Virginia area.
8. For thirteen years, beginning July 11, 2005, Defendant employed Plaintiff as a meteorologist.
9. For the entire thirteen years of Plaintiff's employment with Defendant, Plaintiff served as Defendant's chief meteorologist.
10. For about the first eleven years of Plaintiff's employment, Plaintiff received highly positive performance reviews.
11. For about the first eleven years of Plaintiff's employment, Defendant renewed Plaintiff's employment on a two-year or three-year contract basis.
12. In July 2017, Plaintiff received from Defendant his first negative performance review.
13. In July 2017, Plaintiff's employment contract was renewed for one year rather than the typical two years.
14. At that time, Plaintiff was approximately sixty years old.
15. In January 2018, Plaintiff's supervisor told Plaintiff that the station's weather presentation needed to be "younger and hipper."
16. Defendant terminated Plaintiff's employment on June 1, 2018, with an effective date of July 31, 2018.
17. Defendant replaced Plaintiff with a thirty-nine year old person.

18. Defendant promoted a person in his early thirties as its morning meteorologist.

19. Defendant promoted a person in his twenties as its weekend meteorologist.

**COUNT I—AGE DISCRIMINATION IN VIOLATION OF THE WEST VIRGINIA
HUMAN RIGHTS ACT**

20. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

21. The West Virginia Human Rights Act (“WVHRA”), W. Va. Code § 5-11-1 et seq., maintains that “[e]qual opportunity in the areas of employment . . . is hereby declared to be a human right or civil right of all persons without regard to . . . age.” W. Va. Code § 5-11-2.

22. Defendant is an “employer” under the WVHRA, as defined in W. Va. Code § 5-11-3(d).

23. The WVHRA defines “discriminate” or “discrimination” as “to exclude from, or fail or refuse to extend to, a person equal opportunities because of . . . age.” W. Va. Code § 5-11-3(h).

24. According to the WVHRA, it is unlawful “[f]or any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment if the individual is able and competent to perform the services required.” W. Va. Code § 5-11-9(1).

25. Defendant discriminated against Plaintiff on the basis of his age when Defendant fired Plaintiff in an effort to be “younger and hipper.”

26. As a direct and proximate result of Defendant’s unlawful conduct in violation of the WVHRA, Plaintiff has lost and will continue to lose income and benefits, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress, and loss of personal dignity.

**COUNT II—AGE DISCRIMINATION IN VIOLATION OF THE AGE
DISCRIMINATION IN EMPLOYMENT ACT OF 1967**

27. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth herein.

28. The Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. § 621 et seq., provides that “the purpose of this Act [is] to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help employers and workers find ways of meeting problems arising from the impact of age on employment.” 29 U.S.C. § 621(b).

29. Plaintiff falls within the age limits necessary for coverage by the ADEA, as such age limits are set forth in 29 U.S.C. § 631.

30. Defendant is an “employer” under the ADEA, as defined in 29 U.S.C. § 630(b).

31. According to the ADEA, it is “unlawful for an employer . . . to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s age.” 29 U.S.C. § 623(a)(1).

32. Defendant violated the ADEA when it discharged Plaintiff in an effort to be “younger and hipper.”

33. Defendant otherwise discriminated against Plaintiff in violation of the ADEA in its treatment of Plaintiff in the months leading to Plaintiff’s discharge.

34. As a direct and proximate result of Defendant’s unlawful conduct in violation of the ADEA, Plaintiff has lost and will continue to lose income and benefits, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress, and loss of personal dignity.


WHEREFORE, Plaintiff requests judgment against Defendant as follows:

- a. **Compensatory damages, including lost wages and benefits;**
- b. **Emotional distress damages;**
- c. **Punitive damages;**
- d. **Attorney fees and costs;**
- e. **Prejudgment interest on all amounts claims; and**
- f. **Such further relief as the Court may find appropriate.**

PLAINTIFF DEMANDS A JURY TRIAL.

JIM BARACH,
Plaintiff,

By Counsel,



Richard W. Walters (WVSB #6809)
Carl W. Shaffer (WVSB #13260)
Shaffer & Shaffer, PLLC
P.O. Box 3973
Charleston, WV 25339
Telephone: (304) 344-8716